SBCivil Writ Petition No.3536/2005
Managing Director, Utttari Rajasthan Sahakari Dugdh Utpadak Sangh, Urmool Dairy, Bikaner.
Vs.
The Judge, Labour Court, Bikaner & Ors.

Date of Order :: 15th September, 2006

HON'BLE MR.JUSTICE GOVIND MATHUR

Mr. P.S.Bhati, for the petitioner.
Mr. Kuldeep Mathur, for the respondents.

....

The Managing Director, Utttari Rajasthan Sahakari Dugdh Utpadak Sangh Ltd. Bikaner called in question legality of the award dated 12.1.2005 passed by the Labour Court, Bikaner solely on the count that the Labour Court treated the respondent No.2 as a workman employed with the petitioner though his services were utilised through a contractor Shri Prithvi Singh (respondent No.3).

It is contended by counsel for the petitioner that the respondent No.2 was never employed with the petitioner and his services were utilised for certain works through contractor, therefore, the Labour Court erred while treating him as a workman.

Per contra, it is contended by counsel for the respondent workman that after considering all evidence available on record the finding of fact is given by the Labour Court that the respondent No.2 was employed by the petitioner and, therefore, he is a workman. According to counsel for the respondent No.2 such finding of fact is not required to be interfered

by this Court exercising powers under Article 226 of the Constitution of India.

Heard counsel for the parties.

From reading of the award impugned it is apparent that after consider the material available on record the Labour Court reached at the conclusion that the workman was in employment of the petitioner. The finding given by the Labour Court is not at all perverse and, therefore, I do not find any reason to interfere with such finding of fact while exercising extra ordinary powers of this Court under Article 226 of the Constitution of India.

Beside the above, the term “workman” as defined under Section 2(s) of the Industrial Disputes Act, 1947 (Rajasthan Amendment) includes even a person employed through a contractor in relation to the execution of his contract with employer. In view of it too the respondent No.2 is nothing but a workman as defined.

In view of it, I do not find any merit in this writ petition and, therefore, the same is dismissed.

(GOVIND MATHUR),J.

kkm/ps.